



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**June 13, 2005**

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**SUBJECT:**           **2005-0341 – Mohammad Rahmani** [Applicant] **Pearson Investment Holdings Inc** [Owner]: Application for a Use Permit for an approximately 12,000 sq. ft. community center in an existing 48,422 sq. ft. industrial building. The property is located at **1287 Lawrence Station Road** (near Elko Drive) in an M-S (Industrial and Service) Zoning District. (APN: 110-15-044);

Motion                   Use Permit to allow a new community center within a portion of an existing industrial building.

**REPORT IN BRIEF**

**Existing Site Conditions**           Industrial

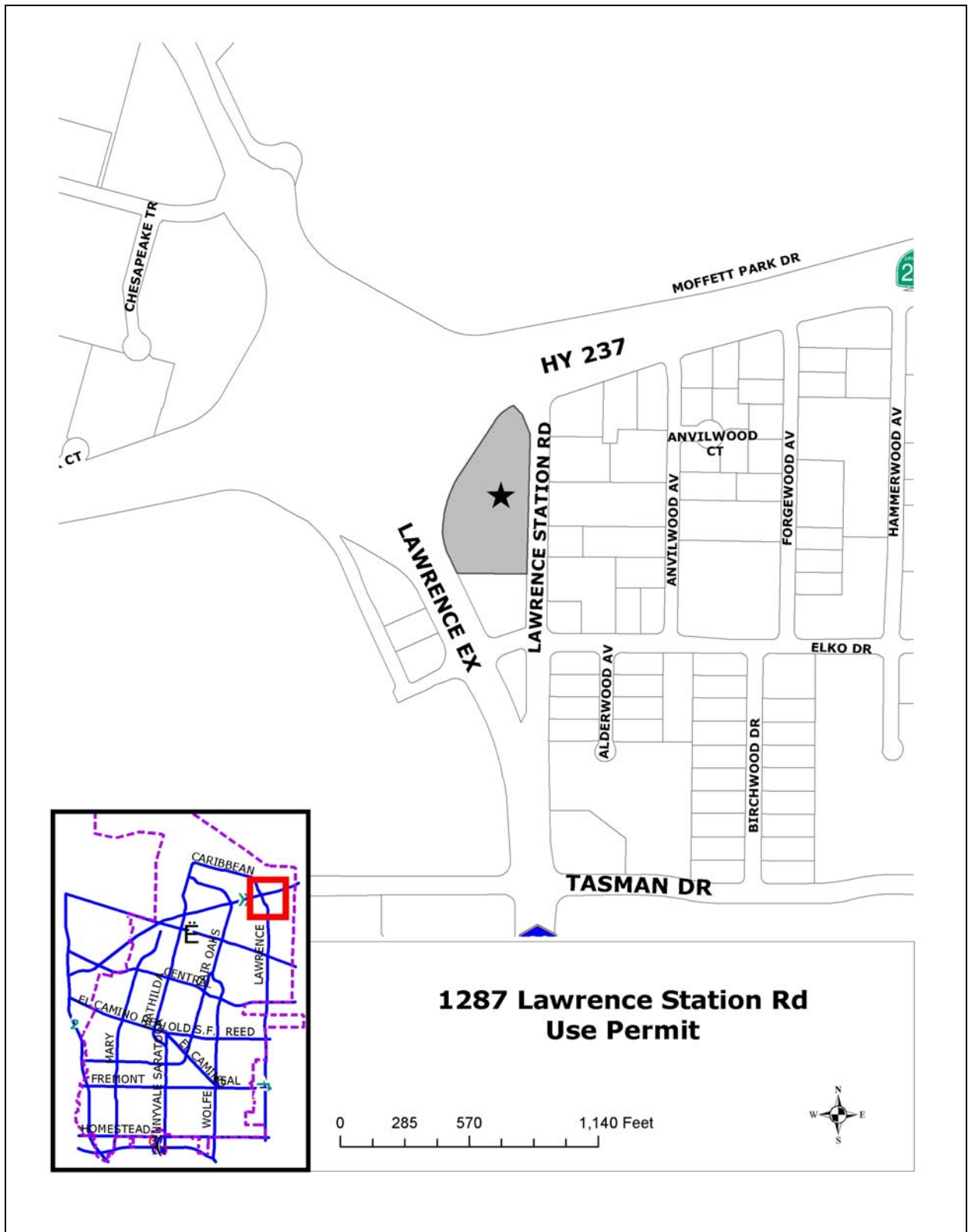
**Surrounding Land Uses**

North	Across Highway 237, Baylands Park
South	Industrial
East	Across Lawrence Station Road, Industrial
West	Across Lawrence Expressway, Industrial

**Issues**                   Compatibility of Use in Industrial area and Parking

**Environmental Status**           A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Deny



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial	Same	Industrial
<b>Zoning District</b>	Industrial and Service (MS)	Same	Industrial and Service (MS)
<b>Lot Size (s.f.)</b>	223,045	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	48,422	Same	78,066 max.
<b>Floor Area - Community Center</b>	0	16,806	N/A
<b>Floor Area - Admin.</b>	0	8,386	N/A
<b>Floor Area - R&amp;D</b>	0	23,230	N/A
<b>Lot Coverage (%)</b>	17.9	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	21.7	Same	35% w/o PC review
<b>No. Buildings On-Site</b>	1	Same	---
<b>Building Height (ft.)</b>	31.5	Same	75 max.
<b>No. of Stories</b>	2	Same	8 max.
<b>Setbacks (Facing Property)</b>			
• <b>Front</b>	75	Same	25 min.
• <b>Left Side</b>	156	Same	0 min., 20 ft. total
• <b>Right Side</b>	29	Same	0 min., 20 ft. total
• <b>Rear</b>	144	Same	0 min.
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	72,950	Same	44,609 min.
• <b>Frontage Width (ft.)</b>	15	Same	15 ft. min.
• <b>% Based on Lot Area</b>	32.7%	Same	20% min.
<b>Parking</b>			
• <b>Total Spaces</b>	248	270	304 min.
• <b>Standard Spaces</b>	236	187	198 min.
• <b>Compact Spaces</b>	0	71	98 max.
• <b>Accessible Spaces</b>	12	Same	8 min.
<b>Bicycle Parking</b>	0	1	4 Class I and 4 Class II min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

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### **Description of Proposed Project**

The applicant is requesting approval to use an existing industrial building in an industrial zoning district for the following uses:

- 1) Community Center (35%),
- 2) Administrative office space (17%), and
- 3) R&D office space (48%)

Whereas the administrative and R&D offices space uses are permitted by right in this zoning district (under 35% FAR), the community center requires a Use Permit.

The existing building is located on Lawrence Station Road, in the part of the Sunnyvale industrial area referred to as “The Woods” (Site Plan, Attachment C).

There are no proposed exterior changes to the building elevations, site organization or landscaping. The applicant has provided a detailed description of the combined use of all areas of the proposed community center (Applicant’s Project Description, Attachment E).

### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing / Decision</b>	<b>Date</b>
2003-0813	General Plan Amendment Initiation to change General Plan Designation from MS to R-3	City Council / Denied	12/2/03
1988-0380	Re-Zone from MS to MS-PD	City Council / Denied	11/29/88
1988-0333	SDP to develop an apartment complex	Planning Commission / Denied	11/29/88
1972-0382	Variance to allow a yard for a motel	Planning Commission / Approved	7/24/72
1972-0380	UP to allow a restaurant, motel and retail shops	Planning Commission / Approved	7/10/72
1970-0392	UP to allow construction and operation of a convenience market	Planning Commission / Denied	3/9/70

## **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

However, as part of the initial study it has been noted that the location of the proposed community center is adjacent to sites zoned to allow research and development facilities which might want to implement uses which utilize hazardous materials in considerable quantities. If the Use Permit for the community center is approved in the proposed location, concerns regarding exposure to hazardous materials may limit the type of industrial uses that are interested in locating in the vicinity in the future and the expansion of existing industrial uses in the area could be hampered.

## **Use Permit**

**Use:** The applicant proposes to use 16,806 square feet (35%) of the existing 48,422 square foot building for a community center with a social/assembly area, dining room, classrooms, meeting rooms and storage space. Of the remaining space, 8,386 square feet (17%) would be used as administrative space for the nonprofit Badiee Trust, and 23,230 square feet (48%) would be leased to office/industrial users.

The Badiee Trust is forming a humanitarian organization, entitled "Help Educate Lead and emPower" (HELP). The purpose of the organization is to assist high-need people locally with vocational training, senior support services and family counseling services as well as to collect and send humanitarian supplies to people in need outside of the Bay Area. The organization plans to partner with local and regional nonprofits in their service provision.

The Community center is proposed for operation during the weekday (Monday – Friday, 8 a.m. – 5 p.m.), evenings (Monday – Friday, 6 p.m. – 9 p.m.), and on the weekends (Saturday & Sunday, 8 a.m. – 9 p.m.).

The proposed activities are as follows:

- A) **Senior Citizen Activities** – a portion of the community center is proposed for activities targeting senior citizens, including: health education, entertainment, volunteer and vocational training, socializing, dinners, advice related to investments, budget planning, and counseling. The recreation/assembly hall will be used to host the seniors during the day and the dining hall will be used in the afternoon for lunch and post lunch activities. It should be noted that the applicant has indicated that only one of the two assembly rooms will be

used at one time. The dining hall will be converted to seminar/class room in the evening and weekend. One of the conference rooms near the dining hall will be used for group discussions, counseling and smaller workgroups for vocational activities.

- B) **Counseling Services** – part of the center is earmarked for use at a subsidized cost to service providers of drug counseling, family counseling and counseling for single parents.
- C) **Vocational Education** – the applicant proposed to provide vocational training to those who have terminated their education after high school, lost their jobs in recent economic decline, or seniors who want to train to re-enter the job market. The proposed training would include professions that are readily marketable, such as: plumbing, electrical, technicians, drivers, sales, starting and running a small business. There is an estimate of approximately 51 participants at any given time.
- D) **Other Services** – part of the community center is planned for other humanitarian services, such as:
  - a. Provide support in the event of a natural disaster, such as acting as a drop off, sorting, packaging and shipping point for food and clothing for the needy;
  - b. Work with healthcare organizations to provide assistance to the needy in poor countries; and
  - c. Blood donation drives for local hospitals and organizations such as Red Cross.

The storage rooms, sorting room and office area in the west wing of the building (see proposed floor plan, Attachment C) will be utilized during weekends for sorting, packaging, labeling, shipping and administrative activities.

**Site Layout:** The applicant does not propose any changes to the existing site plan. The existing building is located in the center of a site that has frontage on three streets. Access is provided from all three frontages. Parking lots rim the site. A two-way drive aisle provides access around the perimeter of the building.

*Solid Waste Facilities:* The site does not currently have a trash enclosure. A detailed recycling and solid waste disposal plan should be submitted to the Director of Community Development for review (Attachment B, Condition of Approval 9.A). Developing an enclosure on site will reduce the parking lot by two or three spaces.

*Stormwater Management:* As there are no proposed changes to the site layout, stormwater management requirements will not be triggered.

**Architecture:** There are no exterior architectural changes proposed.

**Landscaping:** The site meets the Municipal Code's landscaping requirements. Current landscaping on site consists of a large landscaped lawn area located along the west side of the building, and a landscape strip along the street frontage and parking lot landscaping areas throughout the site. The 72,950 square feet of existing landscaping equals approximately 32.7% of the total site, where 20% is required by City code.

According to the applicant's Arborist Report (Attachment F), there are 60 "survey trees" (greater than 4-inches at 4-feet above grade) located on the subject site. Of these, 37 are considered to be protected heritage trees by the Sunnyvale Municipal Code. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground.

The Arborist Report recommended removal and replacement of all trees with an overall rating of "poor" or "very poor". A total of 21 trees, including one "dead" tree, fell within this category. The primary reasons for the poor condition of the trees were fungal diseases or bacterial infections. The Arborist recommended replacing the trees with tree species that are more resistant to pests and disease (Attachment B, Condition of Approval 5.D).

The Arborist also recommended using only certified arborists to maintain the trees (Attachment B, Condition of Approval 5.G), and recommended changing the existing irrigation system to bubbler or emitter sprayheads to mitigate the impact of throwing water spray onto the trunks of trees (Attachment B, Condition of Approval 5.M).

The City Arborist noted the need for routine tree maintenance of the on-site trees, and recommended replacement of the diseased Poplar trees located along the Lawrence Expressway and Highway 237 on-ramp. As the trees are not located on the subject site, they are not mentioned in Arborist report. The applicant is encouraged to work with the Valley Transit Authority (VTA) to replace these trees as they provide a buffer for the site from the adjacent highways (see Attachment B, Condition of Approval 5.N).

**Parking/Circulation:** The subject site currently has 248 parking spaces with 236 regular and 12 accessible spaces. The applicant has indicated the ability to re-stripe the lot to allow for a total of 270 spaces, with 187 standard, 71 compact and 12 accessible spaces.

The following table provides a breakdown of required parking for the proposed use. Given the multiple uses of the community center, the 16,806 square feet designated for this use has simply been broken down into one large assembly

area with an “assembly” parking rate of 1 space per 21 square feet. Since the Municipal Code does not have a specific parking rate for community centers, staff has applied the Code’s general parking rate (1 space per 180 square feet) to the rest of the community center area. The purpose of this generalization is to not limit the future uses of this additional space for community center uses; that is, if the site were approved for vocation training for adults, but the applicant later wanted to make a minor modification to include recreational use for teenagers, the use would be included in the current calculation and not require another public hearing process for additional analysis or review.

<b>Use</b>	<b>Area (sq. ft.)</b>	<b>Ratio (space/ sq. ft.)</b>	<b>M to F 8a.m. – 5p.m.</b>	<b>M to F 6p.m. – 9p.m.</b>	<b>Weekend 8a.m. – 9p.m.</b>
Community Center: a) Assembly area	3,000	1 / 21	142	0	0
Community Center: b) All other uses	13,806	1 / 180	77	77	77
Badiee Trust: Administrative	8,386	1 / 225	38	0	0
Leased Office: R&D Space	23,230	1 / 500	47	0	0
<b>TOTALS</b>	<b>48,422</b>		<b>304</b>	<b>77</b>	<b>77</b>
<b>DEFICIT</b> (268 available*)			<b>36</b>	<b>0</b>	<b>0</b>

\* The applicant has indicated the opportunity to develop 270 parking spaces on-site; this number is reduced by 2 for construction of the trash enclosure.

Additional spaces may be provided by replacing some landscaped area and by re-striping the current parking lot to develop some compact spaces. The number of allowable spaces is indicated below.

<b>Use</b>	<b>Spaces</b>	<b>% Compact</b>	<b>Total Compact</b>
Comm. Center - Assembly	142	35%	49
Comm. Center - Other uses	77	10%	7
Administrative Offices	38	50%	19
Leased R&D Office Space	47	50%	23
<b>TOTALS</b>	<b>304</b>		<b>98</b>



The applicant has proposed a partial use of the community center space during regular working hours (Monday – Friday, 8 a.m. – 5 p.m.) Standard practice is to calculate the entire space for the proposed use, unless the use is modified through a condition of approval. This is because it is very difficult to monitor how the applicant may schedule the use of the space over time, or if the current applicant were to vacate the site and the site would be occupied with a similar use. If the use of the two rooms with assembly space is conditioned to only allow use of one of the rooms at one time or to consider the other room ancillary use, then the required parking for that use would be reduced by half (Attachment B, Condition of Approval 7.A). This would be difficult to monitor; however, the total required parking would then be 304, resulting in a deficit of 36 spaces.

The applicant has noted that the parking demand would be reduced given the target population and has proposed some alternative transportation methods, as discussed below. Addressing the parking requirements through use of the proposed alternative transportation methods would result in a restriction of future uses by requiring all future users to implement the alternative transportation methods.

The applicant noted that the target population for the community center is seniors (70-80%). The assumption is that they will not be able to drive themselves but be transported by their families, OutReach shuttle service or the transportation arranged by HELP senior and vocational center staff (cab or volunteer driver).

The vocational education programs and classes will be offered in the evenings (after 6pm) or on the weekend in order to reduce the peak-hour traffic and allow working people to benefit from the applicant's services. The applicant will encourage the use of public transportation.

All the humanitarian work will be performed in the evenings and on the weekends. Volunteers for the humanitarian activities will be encouraged to carpool or use public transport.

### ***Alternate Transportation***

The applicant has proposed to develop and implement the following traffic reduction plan:

- Run shuttle services during peak use hours to and from Tasman/Lawrence light rail station on Tasman Road.
- Run shuttle services during the peak use hours between the site and the bus stop on Lawrence Expressway for the VTA route 120/121/122 and 321/328. These bus stops are walking distance from the facility.

- Designate an area for the shuttle and drop-offs.
- Educate the users of the property about the use of public transport such as VTA, Caltrain, Light-rail, carpooling, etc.
- Provide fliers and post maps and schedules of VTA bus routes in a common area on the site.
- Post alternate transportation (public) information on their web-site.
- Provide/sell and promote light-rail tickets, Eco-Passes and monthly bus passes with discounts.
- Post sufficient volunteers during peak use hours to direct cars, bicycles and foot traffic, similar to a valet service.
- Provide on-site bike racks to accommodate bike parking.

Staff recommends that if the project is approved, the applicant should submit a rideshare or carpool plan to reduce at least 36 peak hour vehicles to the Director of Community Development for approval (Attachment B, Condition of Approval 7.A).

### ***On-Site Parking***

The site currently has 236 on-site parking spaces but some of the spaces are currently covered with large storage facilities. These will need to be removed from the site to allow for the full parking capacity to be met. Further, the site is currently striped with only regular parking spaces. The lot can be re-striped for up to the allowable amount of compact spaces to increase available parking. Usually, eight regular parking spaces (8.5 feet wide) could be re-striped to 9 compact spaces (7.5 feet wide) for a net gain of one space. Due to the limited percentage of compacts, re-striping may only yield a handful of additional parking spaces.

### ***Off-Site Parking Opportunities***

As an alternative to the rideshare requirement, the applicant may explore developing a formal agreement with an off-site business to provide for additional parking spaces during regular working hours, when the subject site has a parking deficit, and to provide for adequate accommodation to and from the off-site parking area.

### **Compliance with Development Standards/Guidelines:**

The proposed use for this site is not in accordance with the zoning for this area. The establishment of a community center introduces more sensitive receptors to the area, including children and elderly persons who may have more fragile immune systems and be more sensitive to the types of activities typically allowed in an industrial zoned area. While the current conditions in the neighboring vicinity do not appear to put the proposed users at risk, their presence may restrict the allowable uses on the surrounding sites, thus

reducing the utility of the industrially zoned area in the vicinity of the community center. While not an environmental impact, the proposed use, if approved, should include the requirement of establishing an emergency escape plan from the site in the case of release of toxic materials in the area (Attachment B, Condition of Approval 3.A). Given the site's access to two major roadways and the relative buffering of the site between major thoroughfares, occupants of the site will have relatively easy access to escapes routes in the case of an emergency release. Accommodation should be made for people who are unable to drive.

The applicant noted the Planning Commission approvals of the projects listed below. While all these sites were located in an Industrial zoning area, the uses were restricted in some manner. It is also notable that they are grouped in a similar location, which has established more of a trend for that small section of the City due to some uses that are in the proximity to an ITR area that is transitioning to a residential area. Other uses were evaluated on a case by case basis and some pre-date current policy. The proposed project, however, is located in a different part of the City. An application for a similar type of use only three blocks from the subject site was recently denied due to a concern with the compatibility of use.

Facility	Staff Comment
Indian Community Center 285 North Wolfe Road 12/15/03 approval	Approval was granted on an interim basis (until 3/1/2007), and the site is located across the street from a residentially zoned area.
Church 740 E. Arques Ave 10/13/03 approval	Located near an ITR (Industrial-to-Residential) zoned area.
Grace Adult Day Care Center 1197 E. Arques Ave 7/14/03 approval	Located in an area with several service-type uses, permit limited to 90 people to use the site during daytime hours only. State regulations require transportation services for adult day care.
Child Development Center 1185 Arques Ave 11/9/92 approval	The project was reviewed over ten years ago, and in an area with several service-type uses.
First Korean Church 1145 Arques Ave 7/08/91 approval	The project was reviewed over ten years ago, and in an area with several service-type uses.

**Expected Impact on the Surroundings:** The proposed use will have little impact on existing surrounding industrial uses; however, future industrial uses surrounding the project may find it difficult to expand their operations, either in terms of hours or floor space, due to environmental concerns with the

presence of children and elderly at the community center. This use may also restrict further development in the area. Staff is concerned with approving community center uses in Industrial zoned areas for several reasons, including safety issues and restriction of use on neighboring sites. Environmental health concerns for children and elderly using a community center can restrict future industrial uses on surrounding sites zoned for industrial use.

Staff expects an impact to adjacent and nearby lots as a result of peak parking demand at the project site. If the project is approved, staff is recommending a condition of approval requiring the applicant to develop a modified transportation plan to accommodate at least 36 spaces. This may be accomplished by use of public transportation or an off-site parking agreement.

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**Fiscal Impact**

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This project does require payment of a Transportation Impact fee. Although the peak use is during non-peak traffic hours, based on standard traffic engineering guidelines, this use would produce 11 more peak hour trips in the p.m. peak than the allowed industrial use in the same amount of space. The Transportation fee is estimated at \$24,340.57. The City charges the fee in place at time the Building Permits are issued.

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**Public Contact**

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A total of 27 notice letters were sent; 6 were returned by the Post Office as vacant.

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 27 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Discussion:** Staff is generally supportive of the applicant's desire to provide additional community services in Sunnyvale, especially to senior citizens which

are the largest growing demographic group in the area. However, there are two issues which raise concern with the proposed use for the subject site.

Staff is concerned with approving community center uses in Industrial Zoned areas for several reasons, including safety issues and restriction of use on neighboring sites. Environmental health concerns for children and elderly using a community center can restrict future industrial uses on surrounding sites zoned for industrial use. Further, staff is concerned that dilution of industrial areas with assembly uses that could ultimately limit or prohibit the types of industrial uses that can operate in the vicinity.

The City Council has noted such incompatible uses as an issue of concern and has directed staff to study the appropriateness as well as possible requirements and standards for places of assembly in industrial and commercial zones. The results of this study issue are not anticipated until early 2006. This study may also include analysis of an appropriate parking standard for assembly uses. Until this study is complete, and new policy and codes considered, staff has discouraged these uses in industrial zones. In the case of comparable community centers approved in the last few years, their location was more optimal (near Industrial-to-Residential sites) and there was a sunset clause placed on their permit.

Although staff recommends denial of this application, if this application is approved, staff recommends placing a limited time frame on the use, to require a full review process after two years (Attachment B, Condition of Approval 1.H). This approach would allow the pending study issue on community centers in industrial zones to be completed and this project to be reconsidered based on the conclusions drawn. This would result in the applicant taking a financial risk on the site as the applicant is considering purchase of the site for the proposed use.

As earlier noted, there may be risks associated with exposure to hazardous materials which could limit the type of future industrial use's interested in locating or expanding in the area. If the application is approved, staff recommends requiring that uses on-site, during the allowed period of use for the community center, shall not use more hazardous materials than what would require a Hazardous Materials permit through the Department of Public Safety (Attachment B, Condition of Approval 2.E).

**Findings and General Plan Goals:** Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

**Alternatives**

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1. Adopt the Negative Declaration and deny the Use Permit.
2. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
3. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Alternative 1.

Prepared by:

Jamie McLeod  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant
- F. Arborist Report

## **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

### **Land Use and Transportation Element. Policy C1.1:**

*Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.*

**Action Statement C1.1.2:** Promote and achieve compliance with land use and transportation standards.

**Action Statement C1.1.3:** Require appropriate buffers, edges and transition areas between dissimilar neighborhoods and land uses.

### **Land Use and Transportation Element. Policy N1.14:**

*Support the provision of a full spectrum of public and quasi-public services (e.g. parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

1. The proposed use does not attain the objectives and purposes of the General Plan of the City of Sunnyvale (LUT Policy C1.1). The applicant is proposing the location of a community center in an industrial zone which runs counter to the intent of land use in the general zoning designation and more specifically in the proposed location. The proposed use may limit possibilities for new industrial uses to move into the area.

The applicant has suggested that the proposed use does meet the objects and purpose of the General Plan in that it will provide a social setting for a growing segment of the population (The 2000 US Census indicates seniors constitute approximately 11% of Sunnyvale's population.) That sentiment is in accordance with LUT Policy N1.14. While the City is generally supportive of community building activities, staff contends that this is a case of "right project, wrong place".

2. The proposed use is desirable, but it will be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The proposed community center use will likely impact the allowable surrounding uses in the vicinity of the subject site. Staff has no issue with the proposed use of the administrative offices and R&D offices; however, the community center use will impact surrounding uses.



**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit. Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- F. Limit use of site as community center to a maximum of 35% of the total floor area.
- G. Only one of the two assembly areas may be used at one time.
- H. The Use Permit for the Community Center is valid for a two year period only, measured from the day of building occupancy or six months from the date of approval, whichever is sooner, and must then be reviewed by the Director of Community Development and any consideration for a continuance of use must be approved by the Planning Commission.
- I. The community center uses shall include the following and similar uses: administration, vocational training, family counseling, socializing, dinners, lectures, health education, community events, education events, as well as storage, sorting, packaging, labeling and shipping of humanitarian supply items.
- J. The permit does not include a school or regularly scheduled classes for children or a day care for children or the elderly. Incidental food service and preparation shall be allowed from food primarily prepared

offsite as there is only a small kitchen to allow for regular meal preparation.

K. Major community center events such as large festivals require a separate permit.

## **2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.
- C. The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety.
- D. Obtain a permit from the Department of Public Safety and complete Fire Protection measure requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, Title 19 California Code of Regulations, including:
  - 1) Provide a fully automatic fire sprinkler system in accordance with NFPA 13.
  - 2) Provide monitoring for sprinkler system water flow and control valve tamper signals to an approved location.
  - 3) Provide on-site fire hydrants.
  - 4) Provide fire access roads with a minimum width of 20 feet and a minimum inside turning radius of 30 feet.
  - 5) Fire access lanes are required and shall be marked in accordance with MC 16.52.160, UFC 901.
  - 6) Knox Box system (key switch), the box shall be located in accordance with the Fire Prevention Bureau requirements.
  - 7) Provide approved fire extinguishers.
  - 8) Provide illuminated exit signs.
  - 9) Provide emergency egress lighting.
  - 10) Install panic hardware on exit doors.
- E. Uses on-site, during the allowed period of use for the community center, shall not use more hazardous materials than what would require a Hazardous Materials permit through the Department of Public Safety.

## **3. ENVIRONMENTAL MITIGATION MEASURES**

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts: the applicant shall establish an emergency escape plan from the site in the case of release of toxic materials in the area prior to occupancy or use of the site. Accommodation should be made for people who are unable to drive.

**4. FEES**

- A. Pay Traffic Impact fee estimated at \$24,340.57, prior to issuance of a Building Permit (SMC 3.50).

**5. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
- B. Provide separate meter for domestic and irrigation water systems.
- C. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
- D. The landscape plan shall including removal and installation of 21 new trees per the Arborist Report (Attachment F). Species and locations shall be submitted and approved per the City Arborist.
- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- G. Prepare a landscape maintenance plan subject for review and approval by the Director of Community Development. Trees shall be maintained by a certified arborist.
- H. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- I. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- J. All areas not required for parking, driveways or structures shall be landscaped.
- K. To ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.
- L. For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.

- M. Irrigation system shall be modified such that the sprinkler heads are either bubbler or emitter type and do not spray water on the trucks of the trees.
- N. Work with the Valley Transit Authority (VTA) to replace the diseased Poplar trees located off-site along Lawrence Expressway and the Highway 237 on-ramp as these trees provide a buffer for the site from the adjacent highways.

**6. ON-SITE AMENITIES**

- A. Maintain the recreational area located west of the building in the landscaped area.

**7. PARKING**

- A. Develop and submit rideshare or carpool plan to reduce 36 peak hour vehicles to the site during peak hours (M-F, 8 a.m. – 5 p.m.) Alternatively, an off-site parking agreement may be established to accommodate the additionally required 36 spaces. Submit alternative transportation plans to the Director of Community Development for approval.

**8. BICYCLE PARKING**

- A. Provide 4 Class I and 4 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

**9. RECYCLING AND SOLID WASTE**

- A. Provide enclosures for refuse and recycling. Submit waste/recycling plan to Director of Public Works for review and approval.
- B. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- C. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- D. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.

**10. RIGHT-OF-WAY IMPROVEMENTS**

- A. Obtain a Development Permit from the Department of Public Works for and improvements in the right-of-way.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

**11. SIGNS**

- A. All new signs shall be obtained under a separate permitting process and shall be in conformance with Sunnyvale Municipal Code

**12. STORAGE**

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
- B. All exterior trash shall be confined to approved receptacles and enclosures.

**13. TRAILERS**

- A. The temporary trailers shall be removed prior to issuance of occupancy permits.

**14. VEHICLES**

- A. No vehicles or trailers shall be advertised for sale or rent on the site and nor vehicle sales, leasing or rentals shall be conducted at the site.

**15. PUBLIC WORKS**

- A. The existing underground fire pit may be required to be replaced with the above-ground double check detector assembly.
- B. New radio-read water meter may be required to replace existing water meter.
- C. Consider installation of a new separate irrigation water meter.
- D. Install a sanitary sewer clean out at the property line if none exist.
- E. There is a 20'-wide City sewer easement and 15'-wide PG&E easement on site.
- F. This project will be subject to Transportation Impact Fee. The fee is based on the project trip generation.
- G. Construct sidewalk along Lawrence Station Road frontage to City standard specifications. Sidewalk installation should be in consideration of existing mature trees and grades.
- H. Install these facilities per Department of Public Works requirements including tree removal, tree preservation, retaining wall design, drainage and irrigation design and ADA requirements.